

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

Bail Appl..No. 2754 of 2007()

CRIME NO.171/07 OF KASBA POLICE STATION

: PETITIONERS/ACCUSED NOS.1 AND 2:

1. SALIMKUMAR @ SALI, AGED 34 YEARS,
S/O. LATE KANDAN, NIKARTHIL HOUSE,
KUMBALANGI SOUTH, KOCHI-7.

2. SAROJINI, S/O. LATE KANDAN,
NIKARTHIL HOUSE, KUMBALANGI SOUTH, KOCHI-7.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS: COMPLAINANT:

1. THE STATION HOUSE OFFICER,
PALLURUTHY POLICE STATION (CR.NO.171/2007,
PALLURUTHY, KOCHI).

2. STATE, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

.....
B.A. No. 2754 OF 2007
.....

Dated this the 24th day of May, 2007

O R D E R

Petitioners, who are the husband and mother-in-law of Soumya, the defacto complainant, seek anticipatory bail. Petitioners were accused Nos.1 and 2 in Crime No.171/07 of Kasba Police Station for an offence punishable under section 498A read with section 34 IPC. The marriage between the first petitioner and Soumya took place on 6.11.06 at Chandiroor.

2. After hearing both sides and considering the facts and circumstances of the case, while I am inclined to grant bail to the 2nd petitioner, the mother-in-law, I am not inclined to grant anticipatory bail to the first petitioner, the husband. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the 2nd petitioner, Sarojini, on bail for a period of one month in the event of her arrest in connection with the above case on her executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

- a. 2nd petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

b. 2nd petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

c. 2nd petitioner shall not commit any offence while on bail.

d. 2nd petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the 2nd petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

3. In the case of the first petitioner, Salim Kumar alias Sali, he is permitted to surrender before the Investigating Officer on any day between 30-05-2007 and 01-06-2007 for the purpose of interrogation and recovery of incriminating material, if any. The first petitioner shall, thereafter, be produced on the same day before the Magistrate, who shall consider his application for regular bail, preferably on the same date on which such application is filed.

In the result, this application is allowed in part granting bail to the 2nd petitioner and directing the first petitioner to surrender before the Investigating Officer.

(V. RAMKUMAR, JUDGE)

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